

## A GLANCE ON CONTEMPORARY LEGAL CHALLENGES IN COVID 19

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### Introduction

Covid-19 is a global pandemic which came on 31<sup>st</sup> December, 2019 when china gave the information about this virus to the World Health Organization which has taken birth in Wuhan. With the time, it spread all over the world and today situation is so serious that numerous people are dying because of the virus. Nobody ever thought that it would come as a curse to humans, because of this virus; many governments announced lockdown in their countries in order to prevent the public from being a prey of this virus. Unfortunately, it gave a pause to the human's busy life and had an adverse impact on all fields including education, future agenda, economy and medical. It adversely affects the poor laborers and migrants also as lockdown were a quick decision so the people who were not at their homes faced a big difficulty in staying at their places. Poor laborers and daily wage workers didn't have any option except leaving their places and walking thousands of kilometers to reach their homes. Nation is worried for the safety of people but some are not even getting their two-time meals properly. This pandemic has created an economic and financial crisis also and recovering that aspect will not be easy post covid-19. Our governments implemented various schemes in order to protect the interests of general public who are not able to survive in this situation but these are not enough because still there are many people who are not in light to those schemes and dying of starvation. Our medical field is also doing its best in overcoming this critical situation.

### ➤ Challenges in the Field of Litigation

In the legal arena of our country, things are set to take a paradigm shift. The corporate players would prefer to avoid going into litigation at all costs, Litigation, from a psychological purview, is a by-product of trust deficit along with other attendant relevant factors. We are aware that the professional services of certain legal stalwarts in India are even more expensive than those of the United States. The single appearance fee, often ranging in 7 figures, would be tough for corporate litigants to afford. Litigation, including arbitration, over the past years in India has become exorbitantly expensive. Sometimes, it is beyond the reasonable comprehension of a litigant as, at the time of commencing a litigation or entering an active litigation, he is usually unaware of the

endless hidden costs involved therein. When I say hidden costs, the most elementary meaning that could be implied would be as to the 'dates of hearing', the overall number of which could not possibly be foreseen by any litigant. Law firms, on the other hand, have started charging clients on the basis of hourly rates. Hefty pay packages and administrative costs have turned this noble profession of advocacy to a costly and pompous show. One cannot even imagine a high-stakes litigation in High Courts as well as the Apex Court without having a battery of senior counsels on each side. Sometimes, a bare calculation of the fees per hearing goes up to crores of rupees. Having said that, how corporations, let alone an ordinary individual, would be able to cover such huge costs in litigation - is something to be seen. The Indian legal business has witnessed unexampled growth post-economic relaxation within the 90's. The freeing and gap from the Indian marketplace for personal investments and international trade led to growing demand for legal services. How will this burgeoning legal business retain its female lawyers? Why do female lawyers disappear as they move up the proverbial company food chain?

- **Biases at Work**

Women senior advocates wide acknowledge that a female lawyer's skilled ability and soundness of recommendation arouses scepticism and doubt. Female lawyers are fast to be tagged aggressive, not serious, or superficial. As per Senior Advocate states, "If a girl raises her voice to create a degree, she is discerned to be cantankerous, not assertive. At times, this perception overshadows her benefit and leads to her being tagged aggressive." The recent response by a city supreme court decide asking a female professional dissipation a family law matter if she was married could be a case in purpose. The decide tagged her as unfit to argue the case. "You are unfit to argue this case."

- **Work-Life Balance**

Unlike within the company legal sector, judicial proceeding offers a degree of independence, flexibility and a chance to participate in legal manoeuvring and difficult legal problems. Sometimes it's the joys of apply and also for those the fast thinking that pulls them to judicial proceeding. Also, the absence of a structured rigid nine-to-five routine permits girls to juggle skilled and private commitments with some ease. Several freelance practitioners work from home or convert elements of their homes into workplace areas. One metropolis professional UN agency practiced at the Supreme Court touched her residence nearer to the court and her workplace, to stay a watch on her son and to create visits home throughout the day. In line with her, litigation is

over employment really- it's a 'junoon' (passion) for lack of a more robust word to adequately describe it- I may ne'er prefer, however i believe of it usually enough!"

- **Structural Inflexibility**

Unlike female lawyers in law corporations and firms, the bulk of female lawyers in judicial proceeding don't receive any maternity profit and so there's usually larger money pressure to come to figure. Accentuation the requirement for a substantive and inspiring married person or family, Senior Advocates like Anand, Geeta Luthra, and Advocate Pratibha Singh, cited a substantive partner and family as a pre-requisite for a undefeated career in judicial proceeding. Conversely, the absence of family support has adverse impact on one's career.

- **Challenges in the Field of Arbitration**

The world is reeling under the impact of Covid-19, a global pandemic that has caused lockdown in many countries. With the outbreak showing no signs of abating, the worldwide disruption in all facets of life seems set to continue. The legal system of India is no exception including the Alternate Dispute Resolution Mechanism, which has also been adversely affected.

The Supreme Court of India, taking suo moto cognizance of the difficulties faced by litigants throughout the country, on account of the Covid-19 Virus with respect to the period of limitation under various laws passed an order dated March 23, 2020. It was held that the period of limitation in all proceedings before any Court or any Tribunal [whether under the general law or Special Laws] shall stand extended w.e.f. March 15, 2020, till further orders are passed.

The situation of complete lockdown in the country prevents the physical conduct of arbitral proceedings. Section 29A which was inserted by the Arbitration and Conciliation (Amendment) Act in the year 2015, fixes the time-period for passing the arbitral award at 12 from the date of reference to the arbitral tribunal (i.e. when notice of appointment is received by the arbitrator) and is extendable by another six months with the consent of the parties. Any further extensions can only be granted by the concerned court, either prior to or after the expiry of the time period, failing which the mandate of the arbitral tribunal shall terminate.

The pending arbitration proceedings where the stipulated time period is expiring within the lockdown period as mandated by the Government of India may take recourse to Section 29A for extension of time upon reopening of the courts of law.

Further, in line with the direction of the Honorable Supreme Court dated March 23, 2020, the statutory timeline for filing pleadings as well as conduction of all other proceedings stand extended and may be referred to in the application for an extension being filed.

➤ **Litigation proceedings arising out of the Arbitration & Conciliation Act**

Statutory timeline enumerated under the Arbitration & Conciliation Act wherein a Court of law is mandated to be approached such as under Section 27, seeking Court assistance for evidence or under Section 34 for challenging an arbitral award, also stand affected in the present scenario. However, the order of the Honorable Supreme Court dated March 23, 2020, provides relief in extending the limitation period for all such stipulated timeline codified in the Act.

Despite the increasing restrictions and complete lockdown in the country, some arbitral proceedings, which are of urgent nature, may be conducted virtually. Section 19 of the Arbitration & Conciliation Act, 1996 states that the Arbitral Tribunal shall not be bound by the Code of Civil Procedure, 1908 nor the Indian Evidence Act, 1872. The parties to the arbitration proceeding or the Arbitral Tribunal may decide on the procedure to be followed in the conduct of such arbitration proceedings.

➤ **Legal Issues For The Various Types of Industries**

The country currently figures among prime fifteen economies most stricken by the producing lag in China, says a global organization report. This is often however Confederation of Indian business place forth the impact analysis for numerous sectors:-

● **Pharma**

Though Republic of India is one among the highest formulation drug exporters within the world, the domestic drug company business depends heavily on import of bulk medicine (APIs and intermediates that offer medicines their therapeutic value). Republic of India foreign around Rs 24,900 large integer value of bulk medicine in FY19, accounting for roughly 40% of the general domestic consumption. With India's API imports from China averaging nearly seventy per cent of

its consumption by worth, importers are at the chance of provide disruptions and surprising worth movements. For several important antibiotics and antipathetic, dependency on imports from China is on the brink of a hundred per cent. These genus Apis need giant capacities of fermentation boilers, a USP of Chinese makers, giving associate superiority to Chinese makers. Delivery and following of consignments are still unsure at intervals China whether or not inward or outward.

- **Information Technology**

The extended satellite New Year holidays in China have adversely compact the revenue and growth of domestic IT corporations, operative out of China. IT corporations are heavily obsessed on force and don't seem to be ready to operate because of restriction in movement of individuals arising from internment and quarantine problems. Consequently, they're powerless to complete or deliver the present comes in time and are declining new comes. Further, the worldwide customers for Indian IT corporations in China have started trying to find alternative service suppliers in alternate locations like Malaya, Vietnam, etc.

- **Shipping**

There are complaints of cargo delays between Republic of India and China, there are serious issues concerning the general earnings of Indian shipping corporations within the half-moon of 2020. There has been a pointy come by the dry bulk load movement since the third week of Gregorian calendar month 2020, because the closure in China has meant that ships cannot enter Chinese ports.

- **Tourism & Aviation**

The aviation sector has additionally been compact by the unfold of coronavirus. The natural event has forced domestic carriers to cancel and quickly suspend flights operative from Republic of India to China and port. Carriers like Indigo and Air Republic of India have halted operations to China. The temporary suspension of flights to China and port would cause domestic carriers missing out on gross sales targets.

- **Impact of COVID-19 on access to Justice**

In order to get the terribly latest data on the ambivalent impacts of COVID-19 on a sample of the world's justice and legal aid systems, between seven associated 27th April 2020 the worldwide Access to Justice Project conducted an empirical survey that collected each quantitative and

qualitative information on however access to justice has modified because of the pandemic from the subsequent 51 countries:

In summary, the survey analyzed a number of the negative impacts of COVID-19 on each the availability and demand for legal services from 3 totally different angles, that of: (i) a outline, or 'helicopter', overview; (ii) vulnerable groups; (iii) the judicial and legal aid systems. As states enact emergency laws to counter the unfold of COVID-19, judicial oversight of the implementation of emergency measures is important to avoid the excessive use of emergency powers. The socioeconomic impact of the crisis will have important justice-related implications as inequalities are exacerbated.

➤ **Impacts of Human Rights and Rule of Law**

Human rights are the key in shaping the pandemic response, each for the general public health emergency and therefore the broader impact on people's lives and livelihoods. Human rights place folks center-stage. Responses that are formed by and respect human rights end in higher outcomes in beating the pandemic, ensuring tending for everybody and conserving human dignity. However they additionally focus our attention on UN agency is suffering most, why, and what are often done regarding it. The virus is destroying several lives and far else of what's terribly expensive to us we must always not let it destroy our core values and free societies. The key social, political and legal challenge facing our member states are their ability to retort to the present crisis effectively, while making certain that the measures they take don't undermine our real semi-permanent interest in safeguarding Europe's instantiation values of human rights, democracy and therefore the rule of law.

**four key areas:**

Derogation from the Convention on Human Rights in times of emergency Respect for the rule of law and democratic principles in times of emergency, together with limits on the scope and period of emergency measures Fundamental human rights standards together with freedom of expression, privacy and knowledge protection, protection of vulnerable teams from discrimination and therefore the right to education

Protection from crime and therefore the protection of victims of crime, especially concerning gender-based violence.

These selections raise necessary human rights and rule of law problems for an area that generally ranks lower on world democracy and corruption studies. Without a doubt, COVID-19 can leave an indelible political and economic mark. We are within the thick of a world health emergency, which cannot seem to be the simplest time to deal with human rights. However, the problems we have a tendency to see across the board, egress as a result of the crisis are all relevant. In some countries doctors and nurses don't have enough personal protecting instrumentation. These are all challenges that come to human rights and now could be the time to deal with them. folks have to be compelled to grasp what constitutes somebody's right and what rights they're entitled to, and governments have to be compelled to be reminded of their obligations to guard human rights, particularly throughout the COVID-19 crisis.

➤ **Medical Law & COVID 19**

Medical field is playing the most important role in fighting against corona virus as they are doing every possible treatment for saving lives. During this covid-19, governments tightened their seat belts in order to arrange a well-organized healthcare system. US government is calling up the retired doctors for re- registration because there is need of more and more doctors and medical staff to serve people at the best. In this critical time, medical staffs are the life savors. They are also facing lot of troubles at their workplaces as they are getting physical attacks from the patients. They are also risking their own life for saving others and acted as a god. Indian government had taken several steps to protect the interests of the medical staff as they committed to give a insurance of 50 lacs to every doctor in case he/she died from this disease. Doctors are also scared of getting back to their homes for risking the lives of their family. Whole medical staff and researchers are working whole day and night to find a antidote for this virus.

➤ **Impact of COVID 19 on Education**

This virus has shaken the globe and because of this, most governments have closed all the schools and educational institutions in their nations in order to follow the social distancing norms and to control the situation. This decision affects every student whether it's from school or university. UNESCO supported this decision as it is good one to protect the public from being infected but this is also a big question on the development of students. Many exams were canceled due to this pandemic and students were promoted to next class without any evaluation or assessment as this was injustice to the students. It is discrimination to the students who study

whole year in order to get good marks. Government introduced the concept of remote learning by announcing that teachers should take online classes so that student's development won't stop but it is the biggest challenge as some students don't have that technology in their homes like the one who are studying in government schools and belongs to a very poor background. Some students have network problem in their area as they cannot attend the classes properly with their internet connection. Online classes are not blessing to everyone as somewhere they are lacking in serving education to all.<sup>1</sup>

➤ **Legal Implications of a PHIEC by WHO**

Public Health Emergency of International Concern (PHIEC) is a treaty which is adopted by World health assembly in order to prevent, protect, control and provide the health response of public to the global spreading disease in the manner that it would not risk public health. It also aims to avoid interference with global traffic and trade.<sup>2</sup> World Health Organization announced that covid-19 is a PHIEC. It was declared for the working of this organization towards motivating the global community for serving the financial, technical and political support to the public health emergency. WHO called PHIEC because there are numerous cases coming in a day and ease of the transmission of this disease among the public. By this, WHO will be able to control this situation by coordination between nations, travel guidelines, checking control measures for virus for establishing best health practices. While calling this organization, WHO also advised all the nations to follow the health guidelines and stop moving from one place to another and if in any case, movement is going on then there should have the facility of proper exit screening and it also urged the international community to help the countries with low income.

➤ **Legal Issues between Employees and Employers**

Labour and employees play a significant role in the corporate sector. Indian laws exist so that workers and employees are treated well in work environments and help protect their rights. Such laws also ensure that employers value their employees for their expertise and are compensated accordingly. With the outbreak of the COVID - 19, many employers are struggling to prepare for

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<sup>1</sup> Hindustan Times.

<sup>2</sup> [www.Opiniojuris.org](http://www.Opiniojuris.org)



the worst, including work from home, leaves, compensation, insurance and numerous other factors. This situation not only brings about a worry with reporting heads, managers and the like but also with senior management including the board of directors and stakeholders of a company.

It is a well-known fact that many employers today are shutting their offices in order to provide a work from home option to their employees in light of the COVID – 19. However, is it mandated by law?

With the rise of cases in India and elsewhere, the hypocrisies of COVID -19 seem to be increasing by the hour. It is of utmost importance that directors be proactive to curb the virus and ensure the safety of their employees. This will also help reduce risk and liability from legal claims to which, during these harrowing times, organizations have higher exposure to than can be imagined.

➤ **Impact of Mass Media During COVID 19**

Constitution of India does not provide any direct law for media but Article 19 of the constitution provides laws for media indirectly:-

Article 19(a) of the Constitution of India says about freedom of speech and expression. Dr. B.R Ambedkar also says few lines about the media. He says that Media does not carry any special right which a citizen cannot exercise, the head or manager of any press is also a citizen and if he/she is publishing anything, then they are just exercising the right of freedom of speech and expression, there is no special provision for freedom of press and media. Mass media plays a very vital role in society as it updates people about the present or upcoming events and incidents in society which are important for coming to the knowledge of society. Mass media have power to show the reality of all the fields which includes social, economic, political and legal. During this Covid-19, Media plays a great role in updating people about this virus as it prevents people from the fake information which misleads them. Maximum posts on websites and social media sites reveal fake facts on corona and media works to show the real one. But, on the other hand, they are also facing many hindrances in their work as they are risking their health and it was reported that 53 journalists were found positive in corona test. Journalists also faced lot of physical attacks while covering the scenario. In Spain, photojournalist was attacked while covering corona demonstration and Indian Express journalist harassed by the police to join a covid19 investigation. <sup>3</sup> Revealing true facts of

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<sup>3</sup> International Press Institute.

everything is putting a big pressure on the media in order to save their job in this critical situation.

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Mass media strongly shows the mirror to the political system and society. It plays a great role during covid 19 by updating people about the daily events going on in the society.

- Mass media makes the people aware of the disease and all the preventive measures prescribed by the government. Everyone adopted these measures by watching it on news channels.
- Mass media curtailed the misleading information.
- Updating everyone with the updates related to covid 19 and the ways to prevent it.
- Reduced discrimination and inequalities with the people who are infected by motivating the public showing those cases where people are sprinkling flowers on the patients who recovered from that disease.
- Media also motivated the corona virus saviors; doctors and policemen who are continuously working for public at a great risk of their health.<sup>5</sup>

#### ➤ **Strengthen Family Bonds VS Domestic Conflicts and Violence**

Families square measure sophisticated and thus, there's no easy answer as to if the corona virus internment is really resulting in strengthening of relationships or not. First, it's vital to acknowledge that families also are not constant across the board. For a few individuals, families square measure the first triggers of their mental state problems whereas some others square measure a part of deeply abusive families. Thus, this internment becomes very dangerous for such people.

Personally, whereas it's a welcome modification to remain reception and not travel everyday, it's additionally onerous to generally perpetually be enclosed by individuals, particularly if you're operating. However, the comfort and safety that your house gives is second to none and luxury that solely the privileged square measure enjoying. There's a reason why such a big amount of migrant employees square measure selecting to run back home, as a result of in times of crisis you deem your family. While work from house is strenuous now and then, particularly with a tyke around, the time not spent in traveling is that the state of grace. there's no would like for video

<sup>4</sup> Journalism, press freedom & covid 19 by UNESCO.

<sup>5</sup> [www.frontiersinorg.in](http://www.frontiersinorg.in)

calls currently, you'll be able to really watch your kid play throughout the day, facilitate along with his schoolwork and browse him to sleep nightly. The conversations along with your partner square measure face-to-face, not voice calls that you simply square measure each at home with.

Now, with families in internment worldwide, hotlines square measure lighting up with abuse reports, deed governments attempting to deal with a crisis that specialists say they must have seen coming back. .

➤ **Fake News & COVID 19**

Fake News is defined as the type of news which leads to disinformation, imaginary facts and widespread rumors through the medium of news media and social media sites. Fake news are based on fabricated stories. Trend of Fake news is on high on social Media which have maximum number of users and nowadays, people just want a topic on which they can create fake news and spread it widely in order to defame or mislead a person, group and organization. Fake news's are made to create negative image of a person in the eyes of society and it is mostly followed on the social media sites like Whatsapp, Instagram and Twitter. People create fake news to attract others in order to be popular and for advertisement purpose so that it can be in controversies and limelight. These actions mostly happen during an election, occasion or any big event. For example, if a person posts a fake news on its social media account, the people who are in favor of that, they will also post it by their account and the people who are against the news, they will post it as a negative sign; ultimately it will spread like fire because truth can be served late but fake news always spreads as fast as air through the strong tool of Social media and their Active users. Various types of fake news are clickbait, satire, propaganda, sloppy journalism and misleading headings. In this critical time of Global pandemic, people are fully participating in making and spreading fake news for misleading others. Corona Virus became the biggest platform for spreading the fake news like some news channels displayed the fake news that corona virus vaccine has been released, it gave a hope to the people who are suffering from it and the public which is a great sign of mislead and misguidance in order to collect publicity. In past weeks, Nizamuddin Markaz was found full of Tabligh jamatis from various countries without informing anybody that they are staying there, when they sent to the Quarantine center at the schools, some news channels stated that they are asking for Non- vegetarian food and throwing away the food that is provided to them

in the centre and defecating in open when not getting non- vegetarian food as per their demands but Saharanpur police investigated the matter and clarified that the news is false as they are not doing any such act and the stories related to them on social media sites, websites and news channels is totally fake.

So, this kind of news affects their image in the society and leads to negative portrayal of their community and also creates anxiety in their mind. Fake news is much equally dangerous as the Corona Virus. No one should share any fake information without any ground on their social media or other websites.

### ➤ **Prisons- Parole- Pandemic**

With the view of this global pandemic, Government put all their efforts towards controlling it. Government also had taken decision on the amendment of the Prison rules till the time end of this global pandemic. Government decided to parole the prisoners with non-heinous crimes who are sentenced to the jail for less than 7 years in order to reduce the crowding in the prisons and following the social distancing norms. About 3000 inmates were released from the Tihar jail, largest jail in India by the bail on the orders of Supreme Court as the fear of spread of this disease among prisoners and prison staff is arousing. Maharashtra released numerous inmates from their jails and also prepared 20 isolation cells for the prisoners who have the symptoms of this virus. This is also challenging our justice system as they are compelled to take such actions.<sup>6</sup>

### ➤ **Issues of Migrants During Pandemic**

Migrants are the people who move from one place to another in search of job for their survival. They are forced to leave their places to earn the livelihood for their families. During this pandemic, they face various, social, psychological and emotional traumas as they were unable to move because of lockdown. Their families depend on them financially but in this critical situation, they are not able to earn anything even for their own survival, this is the biggest mental trauma for them. By the entry of this communicable disease, everyone have to follow the social distancing norms in order to prevent themselves but these migrants are stuck in their places and tried all the possible means of reaching their homes. Some are taking help by the food trucks and on the other hand; some are walking thousands of kilometers with their families

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<sup>6</sup> Scroll.in.

and dying of starvation because of insufficient money. They all are the daily wage workers who somehow earn their living by working as a labor or sell goods; their daily earning fulfills their requirements and now, they don't have any source of earning. They have the fears in their mind of this infection and some are also infected by it but cannot admit in hospitals as they have responsibilities of their families on them. These infected persons are also causing this disease to others. In this time, they need understanding from the society as some people actually working towards providing them with the transport facility so they can reach their homes.<sup>7</sup>

➤ **Conclusion**

The lock-down in the prevailing circumstances was inevitable. Even though it is true that only life is precious yet what lies ahead is something a difficult path for everyone. In this clarification from the Authorities will play a major role as we may be about to enter the phase of financial emergency. Rest we can hope for the best always.



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<sup>7</sup> [www.mohfw.gov.in](http://www.mohfw.gov.in)